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VIA ECF

May 23, 2024

The Honorable George B. Daniels
U.S. District Judge
United States District Court
Southern District of New York
Daniel P. Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007

The Honorable Sarah Netburn
U.S. Magistrate Judge
United States District Court
Southern District of New York
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007

Re: ***In re Terrorist Attacks on September 11, 2001, Case No. 03 MDL 1570 (GBD)(SN)***
Accardi et al v. Islamic Republic of Iran, Case No. 21-cv-06247
Alexander et al v. Islamic Republic of Iran, Case No. 21-cv-03505
Betso et al v. Islamic Republic of Iran, Case No. 21-cv-01394

Dear Judge Daniels and Judge Netburn:

I submit this letter motion on behalf of the plaintiffs in the above-named actions for whom motions for partial final judgments by default, against the Islamic Republic of Iran and in favor of the Plaintiffs, were filed with the Court on May 7, 2024. Said motions have been filed in both the MDL and in the individual case dockets. *See* Case No. 03 MDL 1570, ECF Nos. 9766 (*Accardi*), 9776 (*Alexander*), and 9770 (*Betso*).

These underlying motions seek the entry of judgments by default as to Iran's liability to the plaintiffs, pain and suffering damages sustained by the plaintiffs' decedents who died as a direct result of the 9/11 Terrorist Attacks, and solatium damages suffered by plaintiffs as surviving family members of such decedents.

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I. Motion to Redact Confidential Information from the Public Docket

The within letter motion seeks to have certain confidential information redacted from exhibits that are attached to the counsel's declarations submitted in support of the underlying default judgment motions. Said exhibits are currently under a temporary seal.

There are a total of 80 decedents who are the subject of the default judgment motions – 12 in *Accardi*, 41 in *Alexander*, and 27 in *Betso*. All the decedents are "Latent Injury Decedents", except for *Alexander* decedent, Gene Edward Maloy, who was killed in the 9/11 Terrorist Attacks.

(a) Redaction of All Monetary Figures set forth in the VCF Award Letters and Awards Detail on the Public Docket

The evidence submitted in support of said default judgment motions includes, for each Latent Injury Decedent, exhibits containing, in part, the following documentation issued by the September 11th Victim Compensation Fund ("VCF"), as proof that the VCF found that Decedent died as a direct result of a 9/11-related injury: (i) the eligibility determination letter which identifies the 9/11-related injury that the VCF determined decedent suffered as a result of the 9/11 Terrorist Attacks; (ii) the Award letter; and (iii) the accompanying "Awards Detail" which show that, as to each Latent Injury Decedent, the VCF issued an award for a "Personal Injury Claim (Losses up to Date of Death)" and for a "Deceased Claim (Losses from Date of Death)."¹

The VCF Award letters set forth the amount of the award and the VCF Awards Detail provide a breakdown of the award for the Personal Injury Claim and for the Deceased Claim, along with the "Eligible Conditions Considered in Award." These VCF documents have been submitted as proof that the VCF determined, in each instance, that the Latent Injury Decedents died from the 9/11-related injury for which the VCF found Decedent "eligible." On the other hand, the monetary figures set forth therein are irrelevant to this issue. It is issuance of the VCF death award, itself, that is relevant as evidence that Decedent died as a direct result of the 9/11 Terrorist Attacks.

The VCF treats the information contained in the Award Letters and the Awards Detail as confidential by providing copies of such only to the personal representative of the decedent's estate and their attorney. No one else can obtain access to these documents or to the information contained therein from the VCF.

It is respectfully requested that this Court allow counsel to file, on the public dockets, the exhibits containing VCF Award letters and Awards Detail with the monetary figures redacted therefrom.² Additionally, counsel respectfully requests that the temporary seal on the exhibits previously filed, with the monetary figures unredacted, remain under seal.

¹ Starting at Ex. D to counsel's declaration in each of the three default judgment motions, the exhibits are broken down by Decedent's Estate, with each exhibit containing a particular Decedent's VCF documentation, and affidavits from plaintiff personal representatives and surviving family members attesting to Decedent's cause of death, Decedent's pain and suffering, and solatium damages suffered by surviving family members.

² References to a monetary figure of "\$0.00" contained in any of these VCF documents will not be redacted.

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(b) Redaction of Confidential Personal Identification Information contained in Medical Records and Certificates of Death on the Public Docket

Further, for reasons set forth in counsel's declarations, the exhibits for certain Latent Injury Decedents also include (i) a medical record or (ii) a certificate of death, as proof that Decedent's 9/11-related injury, as determined by the VCF, was a substantial cause of Decedent's death.³

The information contained in the medical records and certificates of death include certain personal confidential information, specifically, dates of birth, addresses, and social security numbers. In accordance with Federal Rule of Civil Procedure 5.2(a), this Court's Individual Rules of Practice, and pursuant to the confines of HIPAA, counsel respectfully requests that the medical records and certificates of death contained in exhibits attached to my Declarations be filed on the Public Docket with such personal identifying information redacted.

II. Conclusion

For the foregoing reasons, we respectfully request that this Court grant this letter motion, *nunc pro tunc*, permitting the redaction of the monetary figures set forth in the VCF Award letters and Awards Detail and permitting the redaction of personal identifying information contained in the medical records and certificates of death.

Respectfully submitted,



By: _____

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PLAINTIFFS

cc: All MDL Counsel of Record (via ECF)

³ See exhibits for *Accardi* decedents, Matthew Lodewyks, Hernan McLean, and William Mundy; *Alexander* decedents, Joseph Battaglia, Stephen Johnson, Charles Jones and Howard Katzman; and *Betso* decedents, Ronald Cohen, James DeNunzio, Thomas Greaney, Eugene McCarey, Raymond Ragucci, Elisabeth Temin, and Franco Trapani. For *Alexander* decedent, Gene Edward Maloy, a certificate of death has also been submitted as proof that he was killed in the 9/11 Terrorist Attacks at the WTC.